

## § 1410.5

SOURCE: 60 FR 45339, Aug. 31, 1995, unless otherwise noted.

### § 1410.5 Scope.

This part contains the Review Board's regulations implementing the Freedom of Information Act, 5 U.S.C. 552.

### § 1410.10 Definitions.

(a) *Review Board record* is a record in the possession and control of the Review Board that is associated with Review Board business. Review Board records do not include:

(1) Publicly available books, periodicals, films, sound or video recordings, photographs, or other publications that are owned or copyrighted by nonfederal sources that the Review Board acquires and uses for reference and research purposes;

(2) Records owned by another Federal agency that the Review Board temporarily holds for the purpose of conducting its review under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act) (FOIA requests for such documents should be directed to the originating agency);

(3) Records delivered to the Review Board for transfer to the JFK Collection at the National Archives and Records Administration (NARA).

(b) *Designated FOIA Officer* means the person designated by the Executive Director to administer the Review Board's activities pursuant to the regulations in this part. The Designated FOIA Officer shall also be the Review Board officer having custody of or responsibility for Review Board records and shall be the Review Board's officer responsible for authorizing or denying production of Review Board records upon request filed pursuant to § 1410.25.

(c) *Executive Director* means the principal staff official appointed by the Review Board pursuant to 44 U.S.C. 2107.8(a).

(d) *Review Board* means the Assassination Records Review Board created pursuant to 44 U.S.C. 2107.7.

## 36 CFR Ch. XIV (7-1-99 Edition)

### § 1410.15 Requests for Review Board records available through the Public Reading Room.

(a) A Public Reading Room will be maintained at the Review Board headquarters and will be open between 10 a.m. and 4:30 p.m., Monday through Friday, except on Federal holidays. Documents may be obtained in person from the Public Reading Room.

(b) The Public Reading Room records will include the following (if and when such records are created):

(1) The Review Board's rules and regulations;

(2) Statements of policy adopted by the Review Board;

(3) Transcripts of public hearings;

(4) Review Board orders, decisions, notices, and other formal actions;

(5) Copies of all unclassified filings, certifications, pleadings, Review Board records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Review Board is a party and the correspondence with the courts or clerks of court;

(6) Unclassified reports to Congress in which the Review Board's operations during a past fiscal year are described;

(7) Administrative staff manuals and instructions to staff to the extent that such manuals or instructions affect a member of the public; and

(8) Indices of the documents identified in this section, but not including drafts thereof.

### § 1410.20 Review Board records exempt from public disclosure.

The Review Board will make all Review Board records available for inspection and copying, except that it may exempt from release those portions of:

(a) Review Board records specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and that are in fact properly classified pursuant to such Executive Order;

(b) Review Board records related solely to the internal personnel rules and practices of the Review Board;

(c) Review Board records specifically exempted from disclosure by statute

## Assassination Records Review Board

## § 1410.25

(other than 5 U.S.C. 552), provided that such statute:

(1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(1) Could reasonably be expected to interfere with enforcement proceedings;

(2) Would deprive a person of a right to a fair trial or an impartial adjudication;

(3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(4) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(5) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(6) Could reasonably be expected to endanger the life or physical safety of any individual

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

### **§ 1410.25 Requests for Review Board records not available through the Public Reading Room (FOIA Requests).**

(a) Upon the request of any person, the Review Board shall make available for public inspection and copying any reasonably described Review Board record in the possession and control of the Review Board, but not available through the Public Reading Room, subject to the provisions of this part.

(b) A person may request access to Review Board records that are not available through the Public Reading Room by using the following procedures:

(1) The request must be in writing and must reasonably describe the Review Board records requested to enable Review Board personnel to locate them with a reasonable amount of effort. A request for all Review Board records falling within a reasonably specific and well-defined category shall be regarded as conforming to the statutory requirement that Review Board records be reasonably described. Where possible, specific information such as dates or titles that may help identify the Review Board records should be supplied by the requester, including the names and titles of Review Board personnel who may have been contacted regarding the request prior to the submission of the written request.

(2) The request should be addressed to the Designated FOIA Officer, and clearly marked "Freedom of Information Act Request." The address for such requests is: Designated FOIA Officer, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530. Requests must be either mailed or hand-delivered to the above address. Hand-delivered requests will be received between 8:30 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. For